



Office of the Clerk
United States Bankruptcy Court, Northern District of California

MEMORANDUM

To: All ECF User's Group Members

From: Linda M. Collins, Court Services Administrator

Date: October 4, 2005

Subject: *ECF User's Group Minutes — September 7*

Attending: The Honorable Leslie Tchaikovsky
Peter Hadjaris, peterhadjaris@att.net
Paul Manasian, manasian@mrlawsf.com
Patrick McGovern, patmcgov@patrickmcgovern.com
Richard Adler, radler@winston.com
Elizabeth Berke-Dreyfuss, edreyfuss@wendel.com
Kevin Coleman, kcoleman@ml-sf.com
Ori Katz, okatz@sheppardmullin.com
Debbie Vajretti, dvajretti@ahk-law.com
Julie Glosson, Julie.M.Glosson@usdoj.gov
Tom Rainey, Director of Technology and Business Services
Dennis Bilecki, Manager, Santa Rosa Division
Roger White, Manager, San Jose Division
Val Barbour, Assistant Division Manager, San Jose Division
Ernestina Lee, Manager, Oakland Division
Elizabeth Lucero, Manager, San Francisco Division
Kathy Bernart, IT Project Manager
Linda Collins, Court Services Administrator

Absent: Gloria L. Franklin, Clerk of Court
Edward Emmons, Chief Deputy
Renee Mendoza, ecf@moranlaw.net
Lois Brady, loisbrady@sbcglobal.net
Martha Bronitsky, 13trustee@oak13.com

FOLLOW-UP ON ITEMS FROM LAST MEETING

1. An attorney commented that he received an error message from the Oakland Division for not filing a creditor matrix cover sheet as a separate document. The managers agreed to review this

procedure with staff.

Results: This item has been completed. CMEC reviewed the process used by all divisions. Attorneys are required to file a creditor matrix cover sheet along with the list of creditors and are allowed to include that cover sheet with the petition package. On the rare instances when the cover sheet is not filed, they are advised by the division to use the event, DOCUMENT and enhance the docket text to reflect “creditor matrix cover sheet”.

2. We discussed the process about how to file a proof of claim when the claim has multiple claimants. This issue will be forwarded to the Courts’ Case Management Evaluation Committee (CMEC) for clarification and procedures.

Results: This item has been completed. Only one claim is required when there are multiple creditors identified. The creditor for the claim should be added in this manner:
1st Creditor name, et. al.
c/o submitter of claim

3. A discussion took place about suggestions/ideas for helpful key words to add to the docketing event list. Recommendations included; opposition, proof of service, and removing the word “of” after the event *report*. These recommendations will be forwarded to CMEC for final approval and implementation.

Results: Recommendations have been approved and changes have been made.

4. It was requested that accountants be allowed to file an “Application to Employ” (themselves). Ms. Franklin said that she would review this request with the judicial liaison.

Results: This request was denied.

5. A question was presented about how claim forms are stored and retained in each division. The court representatives agreed that we would review our current process and provide further information about our procedure.

Results: This item has been completed. Section 10 on Page 1 of the B10 form states:
(1) 10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.
(2) Procedures seems to vary between divisions, but at a minimum the divisions will only return a copy of the claim if an envelope and copy are included with the original submittal (SR will make a copy of the claim if only the envelope is submitted).

6. Status on the event, *stipulation for extension of time to file a complaint*, was discussed. A local modification request (LMR) will be submitted to the CMEC for consideration.

Results: This request has been approved and implemented.

7. Procedures for creditors to remove themselves from a case were discussed. This issue will be forwarded to the CMEC group.

Results: This item has been reviewed and the solution is to file an application with the court (or simply recycle the notices you receive).

NEW ITEMS

1. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (The Act)

Dennis Bilecki informed everyone that the ECF User Manual will be updated and available on-line the week before October 17. The manual will have the new procedures to follow for docketing to comply with The Act.

He also stated that the ECF site on the court's web page will have information regarding an "ECF Changes - what's new" section that will be updated to include all of The Act related changes (and/or include a hyper-link to the user manual where the new information is located).

A mass e:mail notification will be made to all registered participants regarding The Act. Information about training and links to information will be included in the message.

During the week of October 10, we will be offering training sessions in Oakland and San Francisco to discuss and/or demonstrate ECF changes as a result of The Act.

Judge Tchaikovsky suggested that our help desk locations be staffed with additional people to accommodate anticipated questions about docketing to comply with The ACT.

Judge Tchaikovsky commented on the fact that we received the upgrade to incorporate all of the changes on schedule. She also stated that the automation staff in headquarters at the Administrative Office of the U.S. Courts (AO) did a great job to get these changes to us in a timely manner.

One of the participants asked if the changes for The Act will be available on the training database. Dennis replied that they will be and as soon as they are installed a message will be posted on our web site. Using the training database is a good way to practice and learn about the new changes.

2. Access to ECF filing on October 17, 2005

Linda Collins informed everyone that in order to install the new software for The Act, electronic filing (ECF) will not be available for the entire 24 hours of October 17. All division offices will be fully staffed at intake to receive paper filings and all documents can be filed via paper on that day. Tom Rainey indicated that this policy is going to be followed in all of the bankruptcy courts in the 9th Circuit.

One of the members suggested that the Court implement a court holiday for October 17 so that deadlines could be carried over to the October 18. Linda will follow-up with the Clerk of Court regarding this request.

3. “File Stamp” on ECF documents

Debbie Vajretti requested that our court follow a similar procedure that the Eastern District of California uses to "file stamp" a filed document. This procedure allows anyone downloading a document from the Court's website to see that it is the "officially filed" document.

Unfortunately, the Eastern District is not an ECF court. The procedure they use is inserting a file stamp on a scanned document after it is filed with their court. Judge Tchaikovsky suggested that if Debbie finds an ECF court that has a way to implement this procedure to let us know. We may be able to use their program.

New issues

A question was asked about the possibility of having uniform passwords for ECF. It is very difficult to manage passwords since each court has a different method of creating them. It would be much easier for the user if the ECF passwords could be the same, regardless of where he or she is filing. Tom Rainey commented that this is a common request throughout the ECF community. The AO has this item for action. However, it is not a priority at this time.

Next Meeting

The next meeting is tentatively scheduled for Wednesday, November 9 at 1:30 pm in San Francisco.